



TED ZIGMUNT STATE REPRESENTATIVE

Testimony in favor of AB 411
Assembly Committee on Corrections and the courts
September 23, 2009

Chairperson Parisi and members of the Corrections and Courts Committee, I would like to thank you for allowing me to testify today on AB 411.

I am introducing legislation that will allow judges to require offenders convicted of "video voyeurism" to register with the state's sex offender registry. Currently, offenders who are convicted of video voyeurism under Wisconsin Statute 942.09 cannot be required by a judge to be placed on the sex offender registry.

The crime of video voyeurism applies to offenders who: (1) secretly film or photograph another person in the nude without that other person's knowledge so long as the other person has a reasonable expectation of privacy; (2) makes a reproduction of a film or photograph of another person in the nude without that other person's knowledge; or (3) possesses, distributes, or exhibits such films or photographs, so long as the offender had reason to believe that the victim did not know that the nude photographs were taken and did not consent to the offender's possession, distribution, or exhibition of the films or photographs.

The purpose of this law is to address incidents where victims, usually women, have been videotaped or photographed without their consent by voyeurs. Many of these films and photographs have been widely distributed or posted on the internet. Such representations can be disseminated to a large group of people very quickly. Often times the offender will place a video camera in a private area, such as a locker room, and secretly take nude pictures of victims without their consent.

Offenders convicted under the video voyeurism law currently cannot be required by a judge to be listed on the sex offender registry. Offenders convicted of certain sex crimes must register. Offenders convicted of certain other crimes can be required to register at the discretion of the judge. Video voyeurism is in neither category. This is unfortunate. Video voyeurs often exhibit extremely troubling behaviors that can be a precursor to more serious sexual violence. Many of these offenders should not be allowed to fly under the public's radar screen and should be included in the sex offender registry. In addition, it is difficult to justify to victims of video voyeurism why such behavior is not deemed "serious" enough by the state to allow for registration.

This bill includes video voyeurism as an offense for which registration is discretionary—making it one of those crimes for which registration can be required by a judge upon a finding that the crime was sexually motivated. Leaving the option to judges as to whether to require registration would allow the necessary judicial flexibility to ensure the appropriate offenders are placed on the registry. This approach has been successfully used for "Peeping Toms" under section 942.08 and there is no reason that it should not apply to video voyeurs.

This bill has the endorsement of the Wisconsin Coalition Against Sexual Assault.

A handwritten signature in dark ink, appearing to read "Ted", located at the bottom right of the page.



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To: Members of the Assembly Committee on Corrections and the Courts

From: Tony Gibart, Wisconsin Coalition Against Sexual Assault, Inc.

Re: Wisconsin Coalition Against Sexual Assault Testimony in Favor of AB 411--the Video Voyeurism Bill

Chairperson Parisi and Members of the Committee, thank you for the opportunity to provide testimony on AB 411, which will give courts authority to order individuals convicted of video voyeurism to register as sex offenders, if the crime was sexually motivated. My name is Tony Gibart, and I represent the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is the statewide membership organization that represents Wisconsin's local sexual assault victim service providers and survivors. WCASA fully supports this legislation, as many video voyeurs exhibit the same dangerous behaviors as other sex offenders.

The current video voyeurism statute prohibits making a visual representation that depicts a person nude without the person's consent in a circumstance in which he or she has a reasonable expectation of privacy, and prohibits reproducing or possessing such visual representations. While video voyeurism does not involve physical contact between the perpetrator and victim or an assault—in the technical sense of the word—like other sex crimes, video voyeurism is an assault on the privacy, dignity and personal freedom of the victim.

Sex offenses fundamentally are acts meant to exert power and control over another person's individual autonomy. For those victimized by a sex offender, healing involves a long process of overcoming the shock and trauma of having one's most basic right to self-control violated. Victims of video voyeurism understand that their perpetrators' behavior is in many ways no different from other sex offenders. One victim recently said, "I was absolutely mortified...just to imagine what was on film and what [it]...must have been us[ed for]...It seems predatory to me".

Because video voyeurs exhibit a dangerous capacity to disregard the line between public and private, between consent and refusal, they are very appropriate candidates for sex offender registry. Individuals who experience sexual gratification from violating another's intimate boundaries present a risk to other potential victims. The sex offender registry is designed to alert the public and law enforcement to the presence of these individuals in the community.

Also, the inclusion of video voyeurism on the list of crimes that qualify for possible registry raises awareness about the seriousness of the crime. WCASA has received reports that some video voyeurs have received lenient sentences that do not correspond to the gravity of the conduct or the harm to victims. Aside from giving the public and law enforcement a tool for tracking offenders, passage of AB 411 will be an important statement from the legislature that video voyeurism crimes merit an appropriate response from the criminal justice system.

Thank you again for the opportunity to provide testimony on AB 411. On behalf of victims, I urge the Members of the Committee to support the legislation.